THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO.2922 OF 2006

DATED: 17-02-2006

BETWEEN:

G. Venkateswarlu, S/o. Late Narayana …Petitioner

And

Government of Andhra Pradesh

Rep.by Assistant Director of Mines and Geology,

Kurnool and another … Respondents

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WRIT PETITON NO.2922 OF 2006

ORDER:

Petitioner filed this writ petition seeking to declare the action of the 2nd respondent in interfering with the quarrying operations in the land in Survey No. USHB of Hussinapura village, Banaganapalle Mandal, Kurnool district over an extent of 1.00 hectare granted in proceedings No.785/M4/2000 dated 21-04-2001 as illegal and arbitrary.

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for the respondents and perused the material available on record.

The learned counsel appearing for the petitioner stated that the petitioner has been quarrying lease to an extent of one hector situated at Hussainpura village,

Banaganapalli Mandal, Kurnool District in respect of lime stone slabs in Survey No. USHB pursuant to the proceedings of the Assistant Director of Mines and Geology, Kurnool in proceedings No.785/M4/2001, dated 21-04-2001 for a period of 10 years from

21-04-2001 to 20-04-2011 subject to the condition that the Mineral so granted would containing grade lime stone in the leased area, in and around the leased area or adjacent to the leased area then the lease is liable for revocation and further subject to the provisions, rules and regulations of APMMC Rules and also pursuant to the additional conditions in the lease deed. It is stated that after fulfilling all the formalities, petitioner has been quarrying lease. But, the second respondent without any justification whatsoever is interfering with the quarrying right of the petitioner.

I am of the opinion that without making any representation before the concerned authorities about the so called alleged illegal interference of the second respondent, the petitioner is not entitled for any issuance of writ of mandamus in the absence of any specific request or demand that has been made. It is not known whether the said quarrying lease in the reserved forest and whether the said quarrying lease is in accordance with the provisions of Forest Act or not. However, if the second respondent is illegally making interference without any justification whatsoever, petitioner is at liberty to make representation before the second respondent and the superior officials of the second respondent and in spite of the said representation, if the second respondent interferes, it is open for the petitioner to file a fresh writ petition.

Writ petition is accordingly disposed of. No order as to costs.

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V. ESWARAIAH, J.

Dated: 17-02-2006

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